

REMARKS/ARGUMENTS

Claims 33–34 and 36–37 are pending in this Application. Applicants respectfully request entry new claims 40–43. New independent claims 40 and 42 are identical to pending independent claims 33 and 36, respectively, except for the addition of the phrase “being substantially vapor-tight and” after the phrase “said seamless housing body” in new independent claims 40 and 42.

Claim Rejections

Claims 33 and 36 stand rejected as obvious over *McCaul* (US3762115 entitled “Multilevel Concrete Building of Precast Modular Units”) in view of *Hsu* (US5210985 entitled “Fire Escaping Room”). *McCaul* is asserted to disclose an apparatus (a bathroom module) comprising a seamless housing body having portions defining a front wall with a door opening there through (Fig. 10), a rear wall, two side walls, a roof, a floor, a door frame positioned in the door opening, and a door mounted in the door frame. Although *McCaul* is conceded as not disclosing a door that is fire resistant and burglary proof, *Hsu* is asserted to disclose this aspect of the invention.

Claims 34 and 37 stand rejected as obvious over *McCaul* in view of *Hsu* and further in view of *Wokas* (US3162863 entitled “Prefabricated Bathrooms and Prefabricated Restrooms”). *McCaul* in view of *Hsu* is asserted to disclose the claimed invention except for specifically not disclosing the use of a plurality of hooks integrally formed into the seamless housing body for facilitating hoisting the seamless housing body. *Wokas* is asserted to disclose this aspect of the invention.

Applicants' Response to Claims Rejections

Against the rejections of claims 33–34 and 36–37, Applicants reassert and incorporate by reference Remarks / Arguments presented in Applicants' Response mailed November 19, 2004. Without withdrawing other arguments, Applicants in particular reassert that: (1) McCaul and Hsu are not analogous art under 35 U.S.C. §103; (2) McCaul fails to disclose a seamless housing body; (3) Hsu fails to disclose a door that is burglary proof; (4) the term “vault” is an affirmative limitation in the claims; and (5) Wokas is not analogous art under 35 U.S.C. §103. For the convenience of Examiner Canfield (newly assigned to this application), Applicants again include a copy of the Response mailed November 19, 2004.

Applicants also respectfully note again that, in prosecuting this application (which includes two continued prosecution applications), Applicants have had to file (and pay for) at least twelve substantive Responses (not counting the Final Office Action Response of July 19, 2005, or two previous Notices of Appeal, but counting two previous Appeal Briefs, among the substantive Responses) in order to address rejections of at least four different Examiners (excluding present Examiner Canfield) based on various assortments of allegedly analogous prior art. In both previous cases in which the Applicants needed to file an Appeal Brief, Examiners have been persuaded by the arguments of Applicants' Appeal Brief and have (a) withdrawn outstanding rejections only later to (b) assert new rejections using new alleged prior art. Applicants respectfully note that, under the complete examination requirement expressed in 37 CFR 1.104, examination is not to be conducted in “piecemeal” fashion [see MPEP 707.07(g) Piecemeal Examination: “Piecemeal examination should be avoided as much as possible.”]

In order simply to speed prosecution, Applicants respectfully submit new claims 40–43 (without prejudice to the patentability of pending claims 33–34 and 36–37). New claims 40–43 each include the element that the seamless housing body of the claimed modular vault be substantially vapor-tight. *McCaul*, *Hsu* and *Wokas* do not teach or suggest a modular vault comprising a seamless housing body that is substantially vapor-tight.

Support for the “substantially vapor-tight” element is found at several places in the pending application. In particular, support for the claimed modular vault comprising a seamless housing body that is substantially vapor-tight is found in paragraph 0005, as well as original claim 17, of published application US20020011035.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If any issue should arise that may be addressed telephonically, Applicants' undersigned representative earnestly requests a call at 713-951-3309.

Respectfully submitted,

Dated: *Aug. 25, 2005*

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